

Decision 16-12-020 December 1, 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company
(U 338E) for Authority to, Among Other Things, Increase Its
Authorized Revenues for Electric Service in 2015, And to
Reflect that Increase in Rates.

Application 13-11-003
(Filed November 12, 2013)

**DECISION GRANTING COMPENSATION TO THE CENTER FOR
ACCESSIBLE TECHNOLOGY FOR CONTRIBUTION TO DECISION 15-11-021**

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) 15-11-021
Claimed: \$10,781.00	Awarded: \$7,633.50
Assigned Commissioner: Carla J. Peterman	Assigned ALJ: Kevin R. Dudney

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision authorizes SCE's General Rate Case revenue requirement for 2015-2017, including authorization for accessibility improvements consistent with agreed proposals submitted by SCE and CforAT.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub.
Util. Code §§ 1801-1812:**

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	February 11, 2014	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	March 11, 2014	Verified
4. Was the NOI timely filed?		Yes

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	No ruling on CforAT's customer status has been made in this proceeding. The most recent statement of CforAT's customer status was issued in D.15-12-046, a decision ordering compensation to CforAT in A.10-02-028 issued on December 21, 2015; the most recent determination made in an ALJ ruling was issued in A.15-07-009 on November 20, 2015.	Verified
6. Date of ALJ ruling:	November 20, 2015	Verified
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	No showing of significant financial hardship has been made in this proceeding. The most recent statement of CforAT's significant financial hardship was set forth in D.15-12-046, issued on 12/21/15.	A.15-07-009
10. Date of ALJ ruling:	Commission Decision, issued on December 21, 2015	Nov. 20, 2015
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.15-11-021	Verified
14. Date of issuance of Final Order or Decision:	November 12, 2015	Verified
15. File date of compensation request:	January 6, 2016	Verified
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. At the earliest stages of this GRC cycle, CforAT negotiated with SCE to reach agreement on proposals to build on Memoranda of Understanding (MOUs) adopted in the prior two GRC cycles. The prior MOUs, negotiated between SCE and CforAT's predecessor, Disability Rights Advocates, were adopted as settlements and approved in the final decisions in each GRC. Here, the parties entered into negotiations earlier and developed a plan to institutionalize accessibility improvements and ongoing commitments to serving customers with disabilities, negotiating the agreed proposal during the very preliminary stages of the proceeding. The accessibility agreement, as it was finalized, was entered into the record first as part of SCE's Notice of Intent and then as part of	Joint Testimony developed by CforAT and SCE was entered into the record as part of the initial application as Exhibit SCE-12. The proposal set forth in the Joint Testimony was discussed at pages 477-478 of D.15-11-021, noting that no party objected to any portion of the accessibility program. The proposal was adopted, with direction for SCE to provide additional detail about expenditures and achievements as part of its next GRC application if the program is going to continue. <i>See</i> D.15-11-021 at FOF 572 (p. 534), COL 151 (p.550) and Ordering Paragraphs 1 and 9(j) (p.555).	Verified

<p>the initial testimony submitted with SCE's application. No party opposed the accessibility proposals (including funding for ongoing accessibility commitments) at any time.</p> <p>2. Under the agreed proposal, SCE has committed to do the following in order to institutionalize its commitments to providing accessible service to customers with disabilities:</p> <ul style="list-style-type: none"> • Establish an annual level of spending (\$1.5M per year) dedicated to accessibility improvements, to be incremental beyond any action taken in compliance with specific orders issued in other Commission proceedings. • Use a portion of the dedicated fund to hire a new Accessibility Coordinator to address company-wide strategies on accessibility issues. • Use the remainder of the dedicated fund to advance accessibility issues among identified options including improved physical access at local offices, Authorized Payment Agencies, temporary construction sites and rights of way (around utility poles) and improved communications access in mailings, customer 	<p>Joint Testimony, Ex. SCE-12, see also discussion in D.15-11-021 at p. 477.</p>	
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<p>center communications and the SCE website.</p> <ul style="list-style-type: none"> Annually report on accessibility spending and consult with interested parties on future planned activities. 		
<p>3. While this proceeding was pending, CforAT has appropriately taken steps, to work with SCE on implementing its accessibility commitments set out in the prior GRCs.</p>	<p>Work to ensure effective implementation of ongoing accessibility commitments is a reasonable and necessary part of CforAT's advocacy on behalf of our constituency. The Commission has previously awarded compensation for time spent to implement such agreements; <i>see</i> D.13-11-017, awarding compensation to CforAT's predecessor Disability Rights Advocates for work on SCE's 2012 GRC (A.10-11-015), including time spent overseeing implementation of the accessibility agreement reached in SCE's 2009 GRC.</p>	<p>No substantial contribution to D. 15-11-021. CforAT's time spent implementing past decisions did not substantially contribute to this decision. The past instance cited by CforAT was not in fact compensated in D. 13-11-017. CforAT must seek Commission approval prior to receiving compensation for implementation work.</p>
<p>4. CforAT expended minimal amounts of time monitoring procedural developments in this docket. This work was constrained, but necessary to follow developments in the proceeding.</p>	<p><i>See</i> CforAT Time Records submitted with this request.</p>	<p>Verified</p>
<p>5. CforAT prepared to address SCE's prepayment proposal, which, if adopted, would likely have substantial impact on our constituency. SCE's decision to withdraw its proposal after being directed at the PHC to submit supplemental testimony distinguishing</p>	<p>CforAT indicated our intent to oppose the prepayment issue on the record at the PHC held on February 11, 2014. PHC Transcript at p. 16. The prepayment proposal and need for supplemental testimony to distinguish the proposal from the SDG&E proposal that had previously been rejected by the Commission was discussed in greater detail at the PHC, <i>see</i> PHC Transcript at pp. 36-39. SCE was directed to provide</p>	<p>Verified</p>

the proposal from one that was rejected in a prior Commission decision was likely motivated in part by the concerted opposition to such a proposal from multiple consumer advocates including CforAT.	supplemental testimony on this issue in the Scoping Memo issued on March 27, 2014. In its Supplemental Testimony, provided on April 7, 2014, SCE indicated that it was declining to pursue its prepayment proposal further. Supp. Testimony at p. 1.	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	No	Verified
c. If so, provide name of other parties: N/A		Verified
d. Intervenor's claim of non-duplication: While there were multiple parties representing the interests of consumers in this proceeding, no other party addressed issues specifically regarding the way in which SCE makes its services and communications accessible to customers with disabilities, the sole issue that was the focus of CforAT's participation. Because no other party addressed this issue, there was no duplication of effort. The additional issue that CforAT had intended to address, and which was included in our NOI, was the initial proposal by SCE to implement a prepayment option for customers. CforAT expended a small number of hours engaged with other consumer representatives (TURN, The Greenlining Institute, the National Consumer Law Center and ORA) to coordinate strategy to address this issue. Early in the proceeding, however, as a result of a Commission decision denying a similar proposal from SDG&E, SCE withdrew its proposal. Prior to this action by SCE, CforAT was taking appropriate steps to respond to an issue of direct concern to our constituency in a manner that complimented that of other consumer advocates without duplication. The additional, minimal work conducted by CforAT was to monitor the ongoing developments in the proceeding. Outside of these modest efforts, CforAT did not participate in the general litigation effort.		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
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<p>The primary substantive issues addressed by CforAT were those focused on the unique needs of people with disabilities, including efforts to institutionalize SCE's commitment to effectively serving customers with disabilities via improved physical access to its services and facilities and communication access for disabled customers who cannot access information presented in standard formats. These issues were within the scope of the proceeding and built on agreements reached in the prior two GRC cycles.</p> <p>The joint proposal developed by SCE and CforAT was not contested by any party and was included in the final decision.</p> <p>In addition to the work to develop the joint proposal, CforAT took steps to address the utility's prepayment proposal until the proposal was withdrawn. Additionally, CforAT monitored the overall status of the proceeding, and worked to oversee continuing implementation of the prior accessibility agreement that was in effect while this proceeding was pending.</p> <p>Given the results obtained for CforAT's constituency and the fact that these results were part of an extended GRC proceeding, CforAT's costs were extremely modest and reasonable. Looking directly at the financial aspect of CforAT's participation, CforAT obtained commitments of \$4.5 million (assuming a 3-year GRC cycle) on behalf of SCE's customers with disabilities, while requesting less than \$10,000 in compensation for merits work. CforAT's constituency also avoided risks associated with prepayment and benefited from implementation of accessibility improvements from SCE's prior commitments, though these benefits are more difficult to quantify in dollars.</p>	Verified
<p>b. Reasonableness of hours claimed:</p> <p>The total amount of time claimed by CforAT, 20.5 hours, is extremely modest given the scope and length of this proceeding, and it represents CforAT's focused attention on those limited issues where we were uniquely placed to address the needs of our constituency. In keeping with the narrow focus on accessibility and the interests of SCE customers with disabilities, the total amount of time spent on this effort was highly constrained, notwithstanding the extensive overall scope and length of the proceeding.</p> <p>In our NOI, CforAT estimated that we would spend 100 attorney hours and 25 expert hours working on the merits of this proceeding, including monitoring the implementation of the prior MOU, with an estimate that 40% of these hours would be spent on the issue of prepayment. In fact, CforAT spent just 20.5 hours on the merits of this proceeding. In substantial part, this lower degree of participation stemmed from SCE's decision to withdraw its prepayment proposal.</p> <p>The benefits of this work, including expected spending by SCE of \$4.5 million over the GRC cycle expressly to improve accessibility of corporate facilities and services, will accrue to all disabled customers, as do the benefits of implementation of prior accessibility commitments. No individual customer would have had the resources to address these access issues individually.</p>	Verified

<p>c. Allocation of hours by issue:</p> <p>All work in this proceeding was done by counsel (Melissa Kasnitz); CforAT did not utilize any expert time. In 2013, when the direct negotiations that led to the Joint Proposal took place, CforAT primarily addressed access issues (Accessibility) as well as implementation of prior accessibility agreements (Implementation). A modest amount of time was spent on General Participation (GP) (monitoring the overall progress of the proceeding), and preparation to litigate the prepayment proposal (Prepayment).</p> <p>In 2014, with litigation of the overall proceeding underway, CforAT spent time following general developments and also spent modest amounts of time in coordination with other consumer advocates preparing to address the prepayment issue. This work ceased when the prepayment proposal was withdrawn.</p> <p>Finally, in 2015, CforAT continued to track the concluding stages of the proceeding and spent some time addressing implementation of prior accessibility commitments. The precise breakdown follows:</p> <p>2013 Time Allocation (Total: 13.2 hours):</p> <p>Accessibility: 39% (5.2 hours) GP: 14% (1.8 hours) Implementation: 36% (4.8 hours) Prepayment: 11% (1.4 hours)</p> <p>2014 Time Allocation (Total 4.6 hours):</p> <p>GP: 81 % (3.7 hours) Implementation: 4% (0.2 hours) Prepayment: 15% (0.7 hours)</p> <p>2015 Time Allocation (Total 2.7 hours):</p> <p>GP: 22% (0.6 hours) Implementation: 78% (2.1 hours)</p>	<p>Verified</p>
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2013	13.2	\$440	D.13-11-007	\$5,808	8.4	\$440	\$3,696.00
Melissa W. Kasnitz	2014	4.6	\$450	D.15-01-047	\$2,070	4.4	\$450	\$1,980.00

Melissa W. Kasnitz	2015	2.7	\$450	ALJ-308 (no COLA for 2015)	\$1,215	0.6	\$450	\$270.00
Subtotal: \$ 9,093						Subtotal: \$5,946.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2014	1.6	\$225	½ approved rate	\$360	1.6	\$225 ¹	\$360.00
Melissa W. Kasnitz	2016	5.9	\$225	½ 2015 rate, see below	\$1,328	5.9	\$225	\$1,327.50
Subtotal: \$ 1,688						Subtotal: \$1,687.50		
TOTAL REQUEST: \$10,781						TOTAL AWARD: \$7,633.50		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR ²		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Melissa W. Kasnitz		December 1992		162679		No, but includes periods of inactivity prior to 1997.		

D. PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	Yes

¹ Half of 2014 approved rate of \$450.00

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

FINDINGS OF FACT

1. CforAT has made a substantial contribution to D. 15-11-021.
2. The requested hourly rates for CforAT's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$7,633.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Center for Accessible Technology shall be awarded \$7,633.50.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 11, 2016, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated December 1, 2016, at San Francisco, California.

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

LIANE M. RANDOLPH

Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D1612020	Modifies Decision?	
Contribution Decision(s):	D1511021		
Proceeding(s):	A1311003		
Author:	ALJ Dudney		
Payer(s):	Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology	January 06, 2016	\$10,781.00	\$7,633.50	N/A	Reduction for inappropriately claimed hours

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$440.00	2013	\$440.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$450.00	2014	\$450.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$450.00	2015	\$450.00

(END OF APPENDIX)